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8 Attorneys for Plaintiff UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

11
12 UNITED STATES OF AMERICA,) No.: CR 05-00430 MMC
13 Plaintiff,)
14 v.) STIPULATION AND
15 DAVID QUI LAM,) ORDER EXCLUDING TIME
16 Defendant.) FROM SPEEDY TRIAL CALCULATION
17

18 With the agreement of the parties, the Court enters this Order continuing the trial
19 setting/status conference presently set in this case for March 15, 2006 to March 22, 2006 and
20 excluding the intervening time period under the Speedy Trial Act, 18 U.S.C. § 3161. The parties
21 agree, and the Court finds and holds, as follows:

22 1. The Defendant was scheduled to make his first appearance before the Court on March
23 8, 2006, at 2:30 p.m. On February 21, 2006, the Court notified the parties that it had re-set the
24 Defendant's appearance, sua sponte, from March 8, 2006 to March 15, 2006, at 2:30 p.m.

25 2. Undersigned counsel are both unavailable on March 15, 2006. The parties therefore
26 request that the Court continue the trial setting/status conference from March 15, 2006 to
27 March 22, 2006, at 2:30 p.m. and exclude the intervening time period from the Speedy Trial Act
28 calculation. The Defendant is out of custody on his own recognizance.

3. In addition, the Defendant intends to enter a guilty plea on March 22, 2006.

Accordingly, the parties further request that the March 22, 2006 calendar reflect an anticipated change of plea hearing on that date.

4. In light of counsels' unavailability on March 15, 2006, the parties stipulate that the failure to grant the requested exclusion of time would unreasonably deny both parties continuity of counsel, that the ends of justice would be served by the Court excluding the proposed time period, and that these ends outweigh the best interest of the public and the Defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A), (B)(iv).

SO STIPULATED.

DATED: March 13, 2006

____/S/ BRIAN H. GETZ_____

BRIAN H. GETZ
Attorney for Defendant David Lam

DATED: March 13, 2006

/S/ EDWARD TORPOCO

EDWARD TORPOCO
Assistant United States Attorney

In light of the foregoing facts, and with the consent of the parties, the Court hereby reschedules the trial setting/status conference presently set in this case for March 15, 2006 to March 22, 2006, at 2:30 p.m., and excludes the intervening time period under the Speedy Trial Act calculation under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: March 14, 2006

Maxine M. Chesney
HON. MAXINE M CHESNEY
United States District Judge

**STIPULATION AND ORDER
CR 05-00430 MMC**